IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14792 of 2004

Between:

Chintalapati Ramalingaraju, S/o. Ch. Subbaraju,
R/o. Chinanindrakolanu Village, Tadepalligudem Mandal, W.G.District.

..... PETITIONER

AND

1 The Government of A.P. Rep by its Principal Secretary,
Home Department, Secretariat, Hyderabad.
2 The Superintendent of Police, Eluru, W.G. District.
3 The Joint Collector, West Godavari District, Eluru.
4 The Sub Divisional Police Officer, Jangareddygudem, W.G.District.
5 The Sub Divisional Magistrate, Jangareddygudem, W.G. District.
6 The Sub Inspector of Police, Buttaigudem PS. Buttaigudem, W.G. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order direction more particularly one in the nature of writ MANDAMUS declare the action of the respondents in not providing the protection to the petitioner's land as illegal arbitrary and violative of Article 300-A of the Constitution of India and consequentially provide necessary protection to the petitioner's land as per the orders of the M.R.O., Buttaigudem in R.O.C. No. 191/2004/(A) dt. 2-08-2004 by allowing the petitioner to cultivate the schedule land with the help of firm servant.

Counsel for the Petitioner : MR. P.R.K.AMARENDRA KUMAR

Counsel for the Respondents 1 to 6 : GP FOR HOME

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.14792 OF 2004

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ORAL ORDER :

The petitioner seeks a Writ of Mandamus declaring the alleged action of the respondents in not providing the protection to the petitioner's land as arbitrary and illegal.

On service of the notice, the sixth respondent – Sub-Inspector of Police, Buttaigudem P.S., W.G. District filed a counter-affidavit stating that on the basis of the complaint received from the petitioner, a report was obtained from the Mandal Revenue Officer, Buttaigudem and on the basis of the same, Crime No.53 of 2004 has been registered under Sections 447 and 506(2) of the Indian Penal Code on 24-08-2004 against one A.Sitaramaiah and ten others and the investigation is still pending. It is further stated that apart from the registration of the above case, basing on the complaint of the petitioner, the 5th respondent along with his staff and M.R.O., Buttaigudem visited the lands belonging to the petitioner on 06-09-2004 for the purpose of providing protection as sought for by the petitioner in his complaint dated 17-06-2004 and as recommended by the M.R.O., Buttaigudem in his report dated 2-8-2004. However, no one was found available on the said land.

Having heard the learned Counsel for both the parties and in the light of the averments made in the counter-affidavit, I do not find any basis for the alleged inaction on the part of the respondents. Therefore, no adjudication deserves to be made on merits in the writ petition.

However, the learned Counsel for the petitioner across the Bar states that even during pendency of the writ petition, there was constant interference with the possession of the petitioner in respect of the land in question and therefore the respondents may be directed to provide necessary protection. It is open to the petitioner to make an appropriate representation before the sixth respondent, furnishing necessary details, in which event the same shall be considered by the sixth respondent in accordance with law.

The Writ Petition is accordingly disposed of. No costs.

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03rd November, 2004.

Gbs

To

1 The Principal Secretary, Home Department, Government of A.P., Secretariat, Hyderabad.
2 The Superintendent of Police, Eluru, W.G. District.
3 The Joint Collector, West Godavari District, Eluru.
4 The Sub Divisional Police Officer, Jangareddygudem, W.G.District.
5 The Sub Divisional Magistrate, Jangareddygudem, W.G. District.
6 The Sub Inspector of Police, Buttaigudem PS. Buttaigudem, W.G. District.

7.2CCs to G.P. for Home, High Court of AP Bldgs, Hyderabad (OUT).

8.2CD copies